

# SENATE AMENDMENTS

**2<sup>nd</sup> Printing**

By: Bohac

H.B. No. 4034

A BILL TO BE ENTITLED

AN ACT

relating to updating a voter's information using information provided on a federal postcard application or an application for an early voting ballot.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

1           (6) notice from the early voting clerk under Section  
2 101.053 [~~101.0041~~] that a federal postcard application submitted by  
3 an applicant states a voting residence address located outside the  
4 registrar's county; or

5           (7) notice from the secretary of state that the voter  
6 has registered to vote in another county, as determined by the  
7 voter's driver's license number or personal identification card  
8 number issued by the Department of Public Safety or social security  
9 number.

10         SECTION 2. Subchapter A, Chapter 84, Election Code, is  
11 amended by adding Section 84.014 to read as follows:

12         Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN  
13 APPLICATIONS. If an applicant provides a date of birth, driver's  
14 license number, or social security number on the applicant's  
15 application for an early voting ballot to be voted by mail that is  
16 different from or in addition to the information maintained by the  
17 voter registrar in accordance with Title 2, the early voting clerk  
18 shall notify the voter registrar. The voter registrar shall update  
19 the voter's record with the information provided by the applicant.

20         SECTION 3. Section 101.053, Election Code, is amended to  
21 read as follows:

22         Sec. 101.053. ACTION BY EARLY VOTING CLERK ON CERTAIN  
23 APPLICATIONS. (a) The early voting clerk shall notify the voter  
24 registrar of a federal postcard application submitted by an  
25 applicant that states a voting residence address located outside  
26 the registrar's county.

27         (b) If an applicant provides a date of birth, driver's

1 license number, or social security number on the applicant's  
2 federal postcard application that is different from or in addition  
3 to the information maintained by the voter registrar in accordance  
4 with Title 2, the early voting clerk shall notify the voter  
5 registrar. The voter registrar shall update the voter's record  
6 with the information provided by the applicant.

7       SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2017.

# ADOPTED

MAY 24 2017

By: Bohac/Bettercow *Latoy Spaw*  
Secretary of the Senate

H.B. No. 4034

Substitute the following for H.B. No. 4034:

By: Grand Huffman

C.S. H.B. No. 4034

## A BILL TO BE ENTITLED

### AN ACT

relating to certain voter registration information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.004(c-1), Election Code, is amended to read as follows:

(c-1) The registrar shall ensure that the information listed in Subsection (c) is excluded from disclosure, except that the registrar shall forward to the county chair of each county executive committee the information necessary to contact applicants who indicate interest in working as an election judge.

SECTION 2. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

1 (4) notice under Section 112.012 that the voter has  
2 applied for a limited ballot in another county;

3 (5) notice from a voter registration official in  
4 another state that the voter has registered to vote outside this  
5 state;

6 (6) notice from the early voting clerk under Section  
7 101.053 [~~101.0041~~] that a federal postcard application submitted by  
8 an applicant states a voting residence address located outside the  
9 registrar's county; or

10 (7) notice from the secretary of state that the voter  
11 has registered to vote in another county, as determined by the  
12 voter's driver's license number or personal identification card  
13 number issued by the Department of Public Safety or social security  
14 number.

15 SECTION 3. Section 18.061(c), Election Code, is amended to  
16 read as follows:

17 (c) Under procedures prescribed by the secretary of state,  
18 each voter registrar shall provide to the secretary of state on an  
19 expedited basis the information necessary to maintain the  
20 registration list established under Subsection (a). The procedures  
21 shall provide for the electronic submission of the information and  
22 ensure that each voter registrar collects and reports the correct  
23 month, day, and year of birth for each registered voter.

24 SECTION 4. Subchapter C, Chapter 18, Election Code, is  
25 amended by adding Section 18.0681 to read as follows:

26 Sec. 18.0681. SECRETARY OF STATE AUTHORITY TO ELIMINATE  
27 DUPLICATE REGISTRATION RECORDS. (a) The secretary of state shall

1 periodically compare the information regarding voters maintained  
2 as part of the statewide computerized voter registration list to  
3 determine whether any voters have more than one voter registration  
4 record on file.

5 (b) The secretary of state shall by rule determine what  
6 information combinations identified as common to more than one  
7 registration record constitute a weak match or a strong match in  
8 order to:

9 (1) produce the least possible impact on Texas voters;  
10 and

11 (2) fulfill its responsibility to manage the voter  
12 rolls.

13 (c) The secretary of state may not determine that a voter  
14 has more than one registration record based on a weak match. The  
15 secretary of state may inform the county of the voter's residence  
16 that a weak match exists.

17 (d) If the secretary of state determines that a voter on the  
18 registration list has more than one registration record on file  
19 based on a strong match, the secretary shall send notice of the  
20 determination to the voter registrar of each county in which the  
21 voter is registered to vote. If the voter records identified are:

22 (1) located in the same county, the voter registrar  
23 may merge the records following a determination that each record  
24 belongs to the same voter using the procedure for the correction of  
25 registration records under Section 15.022; or

26 (2) located in more than one county, the registrar of  
27 the county with the oldest record may deliver a written

1 confirmation notice in accordance with Section 15.051.

2 SECTION 5. Section 19.002(d), Election Code, is amended to  
3 read as follows:

4 (d) The secretary of state may not make a payment under  
5 Subsection (b) if on June 1 of the year in which the payment is to be  
6 made the registrar is not in substantial compliance with Section  
7 15.083, 16.031, 16.032, or 18.065 or with rules implementing the  
8 registration service program.

9 SECTION 6. Subchapter A, Chapter 84, Election Code, is  
10 amended by adding Section 84.014 to read as follows:

11 Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN  
12 APPLICATIONS. If an applicant provides a date of birth, driver's  
13 license number, or social security number on the applicant's  
14 application for an early voting ballot to be voted by mail that is  
15 different from or in addition to the information maintained by the  
16 voter registrar in accordance with Title 2, the early voting clerk  
17 shall notify the voter registrar. The voter registrar shall update  
18 the voter's record with the information provided by the applicant.

19 SECTION 7. Section 101.053, Election Code, is amended to  
20 read as follows:

21 Sec. 101.053. ACTION BY EARLY VOTING CLERK ON CERTAIN  
22 APPLICATIONS. (a) The early voting clerk shall notify the voter  
23 registrar of a federal postcard application submitted by an  
24 applicant that states a voting residence address located outside  
25 the registrar's county.

26 (b) If an applicant provides a date of birth, driver's  
27 license number, or social security number on the applicant's

1 federal postcard application that is different from or in addition  
2 to the information maintained by the voter registrar in accordance  
3 with Title 2, the early voting clerk shall notify the voter  
4 registrar. The voter registrar shall update the voter's record  
5 with the information provided by the applicant.

6 SECTION 8. Section 62.0132(g), Government Code, is amended  
7 to read as follows:

8 (g) The information contained in a completed questionnaire  
9 may be disclosed to:

10 (1) a judge assigned to hear a cause of action in which  
11 the respondent to the questionnaire is a potential juror;

12 (2) court personnel; ~~and~~

13 (3) a litigant and a litigant's attorney in a cause of  
14 action in which the respondent to the questionnaire is a potential  
15 juror; and

16 (4) other than information provided that is related to  
17 Section 62.102(8) or (9), the voter registrar of a county in  
18 connection with any matter of voter registration or the  
19 administration of elections.

20 SECTION 9. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2017.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4034** by Bohac (Relating to certain voter registration information. ), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code requiring a voter registrar to update a vote by mail applicant's information if the information provided is different from or in addition to what is on the voter's record.

According to the Secretary of State, the agency can implement the provisions of the bill with existing resources.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, SD, AG, LBO, GG, BM, ASa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 19, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4034** by Bohac (Relating to certain voter registration information.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code requiring a voter registrar to update a vote by mail applicant's information if the information provided is different from or in addition to what is on the voter's record.

According to the Secretary of State, the agency can implement the provisions of the bill with existing resources.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, LBO, GG, BM, ASa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 12, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4034** by Bohac (Relating to updating a voter's information using information provided on a federal postcard application or an application for an early voting ballot.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code requiring a voter registrar to update a vote by mail applicant's information if the information provided is different from or in addition to what is on the voter's record.

According to the Secretary of State, the agency can implement the provisions of the bill with existing resources.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, LBO, GG, BM, ASa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 23, 2017**

**TO:** Honorable Jodie Laubenberg, Chair, House Committee on Elections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4034** by Bohac (Relating to updating a voter's information using information provided on a federal postcard application or an application for an early voting ballot.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Election Code requiring a voter registrar to update a vote by mail applicant's information if the information provided is different from or in addition to what is on the voter's record.

According to the Secretary of State, the agency can implement the provisions of the bill with existing resources.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, LBO, GG, BM, ASa